



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122  
Para sa Tagalog, tumawag sa 408-586-3051  
Para español, llame 408-586-3232

### AGENDA

**TUESDAY, FEBRUARY 18, 2020**  
**CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA**  
**6:00 PM (CLOSED SESSION)**  
**7:00 PM (PUBLIC BUSINESS)**

#### **CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

#### **ADJOURN TO CLOSED SESSION** (6:00 – 7:00 PM)

**a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to California Government Code §54956.9(d)(1)

Alok Jain, et al. vs. City of Milpitas, et al; Santa Clara County Superior Court, Case No. 18CV325365

**b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to California Government Code §54956.9(d)(1)

Vibha Shah v. City of Milpitas, et al/City of Milpitas v. Kenneth Louis Kaldy, et al; Santa Clara County Superior Court, Case No. 18CV322398

**c) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to California Government Code §54957.6

Agency designated representatives: Mayor Rich Tran

Unrepresented Employee: City Manager

**CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

#### **PLEDGE OF ALLEGIANCE**

#### **INVOCATION**

#### **PUBLIC FORUM** (7:05 – 7:15 PM)

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes or

less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

### **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS** (7:15 – 7:30 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a “yes” or “no” as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

### **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

### **APPROVAL OF AGENDA**

#### **CONSENT CALENDAR** (7:30 – 7:35 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

**C1. Receive City Council Calendars of Meetings for February and March 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

**C2. Approve City Council meeting minutes drafted for the February 4, 2020 Regular Meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: approve draft meeting minutes for the February 4, 2020 City Council meeting.

**C3. Adopt Ordinance No. 304 Adding Subsection 7.02 to Chapter 9 (Parks) of Title V Relating to the Milpitas Skate Park (Staff Contact: Renee Lorentzen, 408-856-3409)**

Recommendation: Waive the second reading and adopt Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

**C4. Adopt a Resolution Approving the Award of a Sole Source Contract to Locution Systems Inc. for Fire Station No. 2 Replacement, Project No. 3447 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a resolution approving the award of a sole source contract to Locution Systems Inc. for the Fire Station No. 2 Replacement, Project No. 3447, and authorizing the interim City Manager to execute a contract for the procurement and installation of the Locution fire alerting system in the amount of \$97,377.

**C5. Adopt a Resolution Approving and Authorizing the City Manager to Execute an Amendment to the Agreement with CentralSquare Technologies for the Sole Source Purchase of Community Development Software Upgrade for an Amount Not to Exceed \$433,437.21 for the Term Period February 19, 2020 to February 18, 2025 (Staff Contact: Mike Luu 408-586-2706)**

Recommendation: Adopt a Resolution approving and authorizing the City Manager to execute an Amendment to the Agreement with CentralSquare Technologies for the sole source purchase of Community Development software upgrade for an amount not to exceed \$433,437.21 for the term period February 19, 2020 to February 18, 2025.

- C6. Receive report on Bids and Award Construction Contract to Redwood Construction and Equipment, Inc. in the amount of \$1,715,652 for the Citywide Parks and Playgrounds Rehabilitation Project (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendations:

- (1) Receive report on bids and award construction contract to the lowest responsible bidder submitting a responsive bid, Redwood Construction and Equipment, Inc., in the amount of \$1,715,652.00 for the Citywide Parks and Playgrounds Rehabilitation Project, subject to annual appropriations.
- (2) Authorize the Public Works Director to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$50,000 for the Citywide Parks and Playgrounds Rehabilitation Project.

- C7. Approve and Authorize the City Manager to Execute Amendment No. 2 to the Professional Services Agreement with Water Systems Optimization, Inc. for Water Loss Technical Assistance for a Total Amount Not to Exceed \$160,756 (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 2 to the professional services agreement with Water Systems Optimization, Inc. for water loss technical assistance for a total amount not to exceed \$160,756.

- C8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Maintenance Service Agreement with Technology, Engineering & Construction, Inc. doing business as TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services for a New Total Amount Not to Exceed \$296,250 (Staff Contact: Tony Ndah, 408-586-2602)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Maintenance Service Agreement with Technology, Engineering & Construction, Inc. doing business as TEC Accutite for Aboveground and Underground Storage Tank Maintenance and Certification Services for a new total not to exceed \$296,250.

- C9. Approve and Authorize the City Manager to Execute an Agreement with Urban Field Studio to Provide Consulting Services related to the Transit Area Specific Plan (TASP) 2020 Update (Staff Contact: Ned Thomas, 408-586-3273)**

Recommendation: Approve and authorize the City Manager to execute the Agreement with Urban Field Studio to provide consulting services related to the Transit Area Specific Plan (TASP) 2020 Update.

- C10. Receive Summary Report on Assembly Bill 291 and Senate Bill 378 and Consider Authorizing Letters of Support (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Receive summary report on Assembly Bill 291 and Senate Bill 378 and consider authorizing letters of support.

- C11. Per Mayor's Recommendation, Appoint One New Arts Commissioner and Move Alternate Member of Science, Technology and Innovation Commission to Voting Member (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Mayor Tran recommends the City Council confirm his appointments to:

- (1) Move current Alternate No. 1 Guy Haas into a voting position on the Science, Technology and Innovation Commissioner position (vacancy created by resignation of Jaime Hallera), into a term that will expire at the end of January 2023.

- (2) Newly appoint Benjamin Tang to the Milpitas Arts Commission into a vacant term that will expire in October of 2021.

**C12. Per Recommendation of Mayor Tran, Appoint Vice Mayor Nuñez to the Santa Clara Valley Transportation Authority (VTA)'s Northeast Group of Cities, representing Milpitas and serving on the VTA Board of Directors from the Group (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Per the recommendation of Mayor Rich Tran, appoint Vice Mayor Bob Nuñez to the Santa Clara Valley Transportation Authority (VTA)'s Northeast Group of Cities, representing the City of Milpitas and requesting to serve on the VTA Board of Directors, effective immediately. Direct staff to notify the Northeast Group of cities in advance of its March 4 meeting, and the SCVTA staff of the City Council authorized change of representative.

**C13. Consider the Appointment of Steve Belong to Serve on the Milpitas Planning Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Per Mayor Tran and recommendation of Councilmember Dominguez, move to appoint Steve Belong to a term of three years on the Milpitas Planning Commission in a term that will expire in December 2022.

**C14. Authorize and Approve Travel for Councilmember Anthony Phan and Interim City Manager Steve McHarris (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendations:

- (1) Authorize and approve travel for Councilmember Anthony Phan, and Interim City Manager Steve McHarris to attend the Local Government Commission *2020 Yosemite Policymakers Conference: Building Livable Communities* in Yosemite National Park, CA scheduled March 5 – 8, 2020, for a total combined estimated amount up to \$3,500.
- (2) Authorize and approve travel for Interim City Manager Steve McHarris to attend the International Council of Shopping Centers *Annual Conference & Deal Making* in Monterey, CA scheduled March 10, 2020, for a total amount of \$95.

**PUBLIC HEARING** (7:35 – 7:50 PM)

**15. Conduct a Public Hearing and Introduce Ordinance No. 38.835 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 6, 13, and 53 to establish regulations for Short-Term Rentals (Staff Contact: Daniel Degu, Sr.. 408-586-3054)**

Recommendations:

- (1) Conduct a public hearing and move to close the hearing following comments.
- (2) Consider the Exemption in accordance with the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15183 (Project Consistent with a Community Plan, General Plan, or Zoning) and categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) and 15308 (Actions by Regulatory Agencies for Protection of the Environment).
- (3) City Attorney shall read aloud title of Ordinance No. 38.835.
- (4) Move to waive the first reading beyond the title and introduce Ordinance No. 38.835 Amending Milpitas Municipal Code Title XI, Chapter 10 for a zoning amendment in Section 2 “Definitions,” Section 4 “Residential Zones and Standards,” Section 6 “Mixed Use Zones and Standards,” Section 13 “Special Uses” and Section 53 “Off-Street Parking Regulations.”

## **COMMUNITY DEVELOPMENT** (7:50 – 8:15 PM)

16. **Receive an Update on The Pines Pilot Parking Permit and Transit Area Specific Plan On-Street Parking Program Projects and Provide Direction to Staff (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Receive an update on The Pines Pilot Parking Permit and Transit Area Specific Plan On-Street Parking Program projects and provide direction to staff.

17. **Receive Preview of Draft Economic Development Strategy Framework (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendation: Receive preview of the draft Economic Development Strategy Framework from the Office of Economic Development; and obtain City Council feedback regarding the draft Economic Development Strategy Framework.

## **LEADERSHIP AND SUPPORT SERVICES** (8:15 – 9:30 PM)

18. **Receive and Accept Report on the City's Communication Function Study (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Receive and accept a report on the City's communication function.

19. **Review Fiscal Year 2019-20 Second Quarter Financial Status Report, Mid-Year Budget Amendments, and Adopt a Resolution Amending Resolution No. 1626, the Classification Plan, to Approve and Adopt the Pay Schedule Titled "All Job Classifications/Salary Table" and Approve the Three Position Changes (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendations: Review the FY 2019-20 Quarterly Financial Status Report for the Quarter Ending December 31, 2019; approve FY 2019-2020 Mid-Year Budget Amendments; and, adopt a Resolution amending Resolution No. 1626, the Classification Plan, to approve and adopt the pay schedule titled "All Job Classifications/Salary Table" and approve three position changes.

20. **Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five Year Contract Amount Not to Exceed \$790,000 for Investment Services (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the agreement with Chandler Asset Management for a five year contract amount not to exceed \$790,000, with the first year of the contract in the amount of \$150,000, for investment services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

## **REPORTS OF MAYOR & COUNCILMEMBERS** - from assigned Commissions, Committees and Agencies (9:30 – 10:15 PM)

21. **Receive Report of City Council Rules Subcommittee (Contacts: Mayor Tran, 408-586-3029 and Councilmember Dominguez, 408-586-3031)**

Recommendation: Hear report from the two members of the City Council Rules Subcommittee, with any comments from the January 31, 2020 meeting (joint meeting with full City Council). Members may review agenda items requested at the Subcommittee Meeting (see meeting minutes draft).

- 22. Hear Request of Councilmember Phan and Mayor Tran for Support of “Laura’s Law” (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Tran, 408-586-3029)**

Recommendation: Hear request of Councilmember Phan and Mayor Tran for support of “Laura’s Law” and consider directing staff to send letter of support to the County.

- 23. Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmember Dominguez, 408-586-3031 and Councilmember Phan, 408-586-3032)**

Recommendation: Adopt a resolution in support of the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

**COMMISSION REPORT** (10:15 – 10:45 PM)

- 24. Approve Economic Development and Trade Commission Work Plan for Fiscal Year 2019-2020 and receive a Trade Progress Report (Staff Contact: Alex Andrade, 408-586-3046)**

Recommendation: Approve proposed Fiscal Year 2019-2020 Economic Development and Trade Commission Work Plan; and, receive an International Trade Progress Report.

**NEXT AGENDA PREVIEW**

- 25. Receive Preview List of Agenda Items for the March 3, 2020 Regular City Council Meeting (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the March 3, 2020 City Council meeting.

**ADJOURNMENT** (11:00 PM)

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.*

### **MILPITAS CITY COUNCIL CODE OF CONDUCT**

- Be respectful and courteous (words, tone and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct

### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [cdiaz@ci.milpitas.ca.gov](mailto:cdiaz@ci.milpitas.ca.gov) / Phone: 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

### **APPLY TO SERVE ON A CITY COMMISSION**

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.